



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,519	08/21/2000	Kevin J. Ryan	M4065.0290/P290	8610

24998 7590 10/06/2004

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP  
2101 L STREET NW  
WASHINGTON, DC 20037-1526

EXAMINER
----------

PEUGH, BRIAN R

ART UNIT	PAPER NUMBER
----------	--------------

2187

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/641,519

Applicant(s)

RYAN, KEVIN J.

Examiner

Brian R. Peugh

Art Unit

2187

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,9-14,16-23,31-36,38-46 and 48-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-22,35,36,38-46 and 48-54 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1, 9-12, 23, and 31-34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is in response to applicant's communication filed August 9, 2004, in response to PTO Office Action dated August 6, 2004. The applicant's remarks and amendment to the specification and/or claims were considered with the results that follow.

Claims 1, 9-14, 16-23, 31-36, 38-46, and 48-54 have been presented for examination in this application. In response to the last Office Action, claims 1, 9, 10, 13, 16, 23, 31, 32, 35, 38, 45, and 48 have been amended. Claims 2-8, 15, 24-30, 37, 47, and 55-58 have been cancelled.

### ***Claim Objections***

Claims 1, 9-12, 23, and 31-34 objected to because of the following informalities:

Regarding claim 1, line 7: Insert --command-- after "access" in order to facilitate proper antecedent basis.

Regarding claim 1, line 14: Insert --command-- after "access" in order to facilitate proper antecedent basis.

Regarding claim 10, line 5: The Examiner believes that the phrase "a next available time slot" is not meant to correspond to the "a next available time slot" of parent claim 1, line 8. The Examiner encourages the Applicant to amend the claim by replacing "a" in line 5 with --another--, or the like, in order to facilitate proper antecedent

basis. Also, the amendment would also be required in line 7 regarding the phrase "said next available time slot".

Regarding claim 10, line 8: Insert --command-- after "access" in order to facilitate proper antecedent basis.

Regarding claim 11, line 2: Insert --second-- after the second instance of "said" and --command-- after the second instance of "access" in order to facilitate proper antecedent basis.

Regarding claim 12, line 2: Insert --second-- after the second instance of "said" and --command-- after the second instance of "access" in order to facilitate proper antecedent basis.

Regarding claim 23, line 9: Insert --command-- after "access" in order to facilitate proper antecedent basis.

Regarding claim 23, line 16: Insert --command-- after "access" in order to facilitate proper antecedent basis.

Regarding claim 32, line 5: The Examiner believes that the phrase "a next available time slot" is not meant to correspond to the "a next available time slot" of parent claim 23, line 10. The Examiner encourages the Applicant to amend the claim by replacing "a" in line 5 with --another--, or the like, in order to facilitate proper antecedent basis. Also, the amendment would also be required in line 6 regarding the phrase "said next available time slot".

Regarding claim 32, line 7: Insert --command-- after "access" in order to facilitate proper antecedent basis.

Claims 9, 31, 33, and 34 are objected to as being dependent upon a previously objected claim.

Appropriate correction is required.

### ***Allowable Subject Matter***

Claims 13,14-22, 35, 36, 38-46, and 48-54 are allowed over the prior art of record

Claims 1, 9-12, 23, and 31-34 would be allowable if corrections were made to the claims in accordance with the claim objections recited above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian R. Peugh whose telephone number is 703-306-5843. The examiner can normally be reached on Monday-Thursday from 7:00am to 4:30pm. The examiner can also be reached on alternate Friday's from 7:00am to 4:30pm.

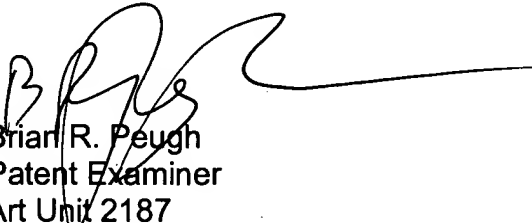
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks, can be reached on (703) 308-1756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2187

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 26, 2004



Brian R. Peugh  
Patent Examiner  
Art Unit 2187